

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

-against-

PHILIP MORRIS, INC., et al.,

Defendants.

99 Civ No. 2496 (GK)  
Next Court Appearance:  
May 17, 2002

**RESPONSES AND OBJECTIONS OF BRITISH AMERICAN TOBACCO  
(INVESTMENTS) LIMITED TO PLAINTIFF'S FIRST REQUESTS FOR  
ADMISSION TO ALL DEFENDANTS, AMENDED PURSUANT TO ORDER #119**

Defendant British American Tobacco (Investments) Limited ("BATCo"),  
hereby responds and objects to plaintiff's First Requests for Admissions to All  
Defendants, Amended Pursuant to Order #119 ("Requests") as follows:

**GENERAL OBJECTIONS**

1. BATCo objects to each and every Request on the grounds set forth below. These objections form a part of the response to each and every Request and are set forth herein to avoid duplication and repetition by restating them for each Request. These General Objections may be specifically referred to for the purposes of clarity in

20. BATCo objects to Definition No. 14 on the grounds that the definitions of terms "you," "your" and "your organization" are overbroad and unduly burdensome to the extent that they refer to any entity other than BATCo. BATCo will interpret these terms to refer only to BATCo. BATCo further objects to the last sentence of Definition No. 14 on the grounds that it is vague, ambiguous and unintelligible.

21. BATCo's responses as set forth herein are based on information presently known to BATCo. BATCo reserves the right: (a) to rely on any fact, documents or other evidence which may develop or subsequently come to its attention; (b) to assert additional objections or supplemental responses should BATCo discover additional information or grounds for objections; and (c) to supplement or amend these responses at any time.

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **ADDICTION**

#### **REQUEST FOR ADMISSION NO. 36:**

Admit that cigarettes are addictive.

#### **RESPONSE TO REQUEST FOR ADMISSION NO. 36:**

BATCo incorporates General Objection No. 11 in response to this Request. BATCo further objects to this Request on the grounds that it improperly seeks to reduce a complicated scientific subject to a simple affirmative or negative response,

and that the term "addictive," as defined, is vague, overly broad and ambiguous. Subject to and without waiving its objections, BATCo admits that, based on the common understanding today, cigarette smoking can be termed addictive. Certainly cigarette smoking is pleasurable and smokers can find it hard to quit even though they know that smoking is a real risk for serious diseases. BATCo further admits that, under the diagnostic tools used today, which focus on behavior, some smokers could be diagnosed as being dependent upon smoking. BATCo further states that smokers can and do quit provided they have the motivation to quit and belief that they can. Millions of smokers have quit without any medical help, and millions have modified how often, where and when they smoke in light of differing social norms. In some countries, such as the United States, there are more ex-smokers than smokers. Except as expressly admitted, BATCo is unable to admit or deny this Request.

**REQUEST FOR ADMISSION NO. 39:**

Admit that nicotine is a substance in cigarettes that is addictive.

**RESPONSE TO REQUEST FOR ADMISSION NO. 39:**

BATCo incorporates General Objection No. 11 in response to this Request. Subject to and without waiving its objections, BATCo incorporates by reference its response to Request No. 36, as if fully set forth herein.